

# **EXHIBIT E**

**Schnader**  
ATTORNEYS AT LAW

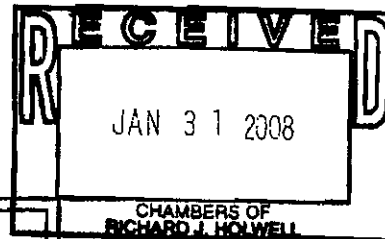
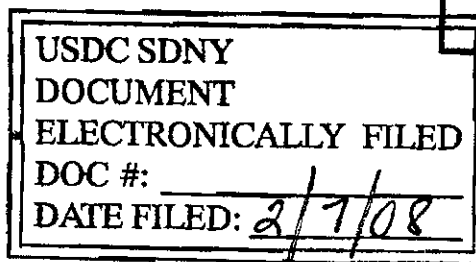
140 BROADWAY SUITE 3100  
NEW YORK, NY 10005-1101  
212.973.8000 FAX 212.972.8798 schnader.com

January 30, 2008

M. Christine Carty  
Direct Dial (212) 973-8012  
E-mail: ccarty@schnader.com

**VIA FACSIMILE**

Honorable Richard J. Holwell  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007



RE: John O. Myers v. HSBC Investments (USA) Inc., et al.  
07 Civ. 4078 (RJH)

Dear Judge Holwell:

We represent the Defendants in the above-referenced matter. I am writing this letter to request permission to conduct Plaintiff's deposition outside the close of January 31, 2008 fact discovery deadline set by this Court in the July 26, 2007 Scheduling Order. This is Defendants' first request for an adjournment of dates in this matter.

On November 7, 2007, Defendants served document demands and interrogatories on Plaintiff. Defendants also noticed Plaintiff's deposition for January 29, 2008. Plaintiff responded to Defendants' discovery demands on December 7, 2007, but due to several disputes regarding Plaintiff's responses, Defendants did not obtain copies of documents responsive to their requests until late last week. Indeed, the dispute with respect to Plaintiff's discovery responses is still ongoing. Given that Defendants only received documents recently, we respectfully request permission to take Plaintiff's deposition by the end of February. The July 26, 2007 Scheduling Order provides that expert discovery is to be conducted from February to May 30, 2008.

Two weeks before the scheduled close of discovery in this case, January 15, 2008, Plaintiff served Defendants with document demands, interrogatories and deposition notices for dates in February and March. Given that responses to Plaintiff's discovery demands and the depositions noticed by Plaintiffs fall outside the fact discovery deadline, Defendants will not respond to the discovery requests or produce any witnesses for depositions. Defendants conferred with Plaintiff in an effort to seek a joint application for an extension of discovery dates in this matter, but Plaintiff refused to consent.

Schnader Harrison Segal & Lewis LLP

NEW YORK PENNSYLVANIA CALIFORNIA WASHINGTON DC OFFICES: [illegible] Do not use for property name.

01/30/08

Case 1:07-cv-04078-RJH

Document 19

Filed 02/07/2008

Page 2 of 2

003/003

Schnader  
ATTORNEYS AT LAW

Thank you for your continued attention to this matter.

Respectfully yours,

*M. Christine Carty*

M. Christine Carty

For SCHNADER HARRISON SEGAL & LEWIS LLP

cc: Blair C. Fensterstock  
Jeanne Valentine  
Attorneys for Plaintiff

Fact discovery is extended to Feb. 29, 2008.  
Defendants shall respond to  
interrogatories and document requests  
by Feb. 15. Any party may notice  
depositions for dates between Feb. 18-29.  
No further extensions.

SO ORDERED

*R. H. Lewis*

USDT

2/5/08

U